

Message Text

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ACTION DLOS-09

INFO OCT-01 IO-13 ISO-00 OIC-02 AF-10 ARA-10 EA-07

EUR-12 NEA-10 FEA-01 ACDA-07 AGRE-00 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 EPG-02 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01

TRSE-00 H-01 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-04 PRS-01

SP-02 SS-15 USIA-06 /164 W

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C O N F I D E N T I A L USUN 2098

FROM : LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS SITREP JUNE 28, 1977

1. GENERAL COMMITTEE. THE GENERAL COMMITTEE AND LATER FULL PLENARY DEBATED THE WORK PLAN FOR THE REMAINING TWO AND ONE-HALF WEEKS OF THE LOS CONFERENCE. PRESIDENT AMERASINGHE PROPOSED TO LEAD THE EFFORT TO PREPARE AN INFORMAL COMPOSITE NEGOTIATING TEXT (ICNT), IN COOPERATION WITH THE THREE COMMITTEE CHAIRMEN. THE TEXT WOULD PRESUMABLY BE CURCULATED AROUND THE END OF THE SEVENTH WEEK (JULY 8), LEAVING THE EIGHTH WEEK FOR INFORMAL NEGOTIATIONS IN PLENARY. THE LAST DAY OR TWO OF THE SESSION WOULD DEAL WITH ARRANGEMENTS FOR FUTURE WORK.

2. AMERASINGHE EMPHASIZED THAT THE ICNT "WILL CERTAINLY NOT HAVE THE CHARACTER AND STATUS OF THE TEXT WHICH WAS PREPARED BY THE INTERNATIONAL LAW COMMISSION AND PRESENTED TO THE GENEVA CONFERENCE OF 1958. IT WOULD NOT HAVE THE STATUS OF CONFIDENTIAL

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A BASIC PROPOSAL THAT WOULD STAND UNLESS REJECTED BY THE REQUISITE MAJORITY."

3. THE PRESIDENT'S PERSONAL DISCRETION IN DRAFTING THE ICNT CAME UP FOR CONSIDERABLE DISCUSSION WITHOUT A CLEAR UNDERSTANDING MEMERGING. SINGAPORE (KOH) ARGUED FOR RECOGNIZING AMERASINGHE AS "PRIMUS INTER PARES" IN HIS

RELATIONSHIP WITH THE COMMITTEE CHAIRMEN. ON THE OTHER HAND, MEXICO (CASTANEDA) SAID THAT THE VIEWS OF THE COMMITTEE CHAIRMEN SHOULD PREVAIL OVER THE PRESIDENT'S. AMERASINGHE, WHILE ASSURING THE CONFERENCE THAT HE DID NOT SEEK AN "IMPERIAL PRESIDENCY", SAID THAT HE WAS CONFIDENT ABOUT DEVELOPING A GOOD WORKING RELATIONSHIP WITH THE COMMITTEE CHAIRMEN.

4. PRC INTERRUPTED THE GENERALLY PROCEDURAL DISCUSSION TO DELIVER AN IDEOLOGICAL BLAST AGAINST THE "SUPER POWERS". THE PRC ACCUSED THE U.S. OF THREATENING THE CONFERENCE THAT IT WILL ENACT SEABED MINING LEGISLATION. THE U.S. (OXMAN) RESPONDED BY EXPRESSING REGRET AT THE DIVERSION OF DEBATE FROM IMPORTANT PROCEDURAL QUESTIONS. OXMAN NOTED THAT THE RECORD OF U.S. PARTICIPATION IN THE LOS CONFERENCE OVER THE PAST DECADE SPEAKS FOR ITSELF.

5. COMMENT: THE OUTCOME OF THE GENERAL COMMITTEE AND PLENARY SESSIONS SUGGESTS THAT AMERASINGHE'S WINGS HAVE BEEN CLIPPED. HE HAD TO SCRAP HIS ORIGINAL PLAN OF CIRCULATING THE FIRST COMPOSITE TEXT IN THE SIXTH WEEK, INVITING PLENARY DISCUSSION, AND THEN CIRCULATING A REVISED TEXT BEFORE THE END OF THE CONFERENCE. THE USDEL ALSO PREFERRED THAT SCENARIO, SINCE IT OFFERED THE BEST PROSPECT OF DEVELOPING A TEXT WHICH BY THE END OF THIS SESSION COULD COMMAND A WIDE CONSENSUS IN PRINCIPLE, CONFIDENTIAL

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IF NOT IN ALL OF ITS DETAILS. IT APPEARS, HOWEVER, THAT CERTAIN KEY ACTORS WHO OPPOSED ASPECTS OF THAT EMERGING CONSENSUS (E.G., ALGERIA, ECUADOR, INDIA, VENEZUELA) HAVE MANAGED TO DELAY THE PRESIDENT'S TIMETABLE. SINCE IT IS UNLIKELY THAT THERE WILL BE TIME FOR AMERASINGHE TO PRODUCE TWO TEXTS IN THE NEXT TWO WEEKS, THERE IS SOME RISK THAT THE FINAL PRODUCT FROM THIS CONFERENCE MAY BE SERIOUSLY DEFICIENT FROM THE U.S. VIEWPOINT AND/OR MAY FAIL TO GAIN WIDE SUPPORT AS AN ACCEPTABLE NEGOTIATING DOCUMENT.

6. AS A RESULT OF THE JUNE 28 PLENARY, AMERASINGHE FINDS HIMSELF WITH A WEAKER MANDATE THAN HE HAD HOPED FOR. HE NOW HAS LESS FLEXIBILITY TO OVERRIDE COMMITTEE CHAIRMEN IN DEVELOPING A TEXT WHICH HE FEELS WOULD REPRESENT AN ACCEPTABLE COMPROMISE. END COMMENT.

7. COMMITTEE I. NO MEETINGS WERE HELD, BUT THE COMMITTEE IS DUE TO RESUME ITS WORK JUNE 30, WHEN IT WILL TAKE UP DISPUTE SETTLEMENT. RUMORS CONTINUE TO CIRCULATE CONCERNING CHAIRMAN ENGO'S PLANS FOR THE COMMITTEE I INPUT TO THE COMPOSITE TEXT. THERE ARE INDICATIONS THAT SOME

DEVELOPING COUNTRY DELEGATES ARE URGING HIM TO MODIFY ARTICLE 11 AND ANNEX I IN ORDER TO MANDATE TECHNOLOGY TRANSFER TO THE ENTERPRISE. THIS ISSUE HAS NOT BEEN DISCUSSED IN THE COMMITTEE, BUT IN PRIVATE THE U.S. HAS MADE CLEAR ITS FIRM OPPOSITION TO ANY TAMPERING WITH ARTICLE 11 OR OTHER ATTEMPTS TO INTRODUCE FORCED TECHNOLOGY TRANSFER. NEVERTHELESS, GIVEN ENGO'S PAST ERRATIC BEHAVIOR AND CONSIDERABLE EGO, IT IS DIFFICULT TO PREDICT HOW HE WILL PUT HIS PERSONAL IMPRINT ON THE COMMITTEE I TEXT, WHETHER BY ALTERING EVENSEN'S WORK OR INTRODUCING NEW ARTICLES OF HIS OWN.

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